

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RONALD DEVONE BALCOM, #158 439,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:19-CV-141-WHA
)	
COMMISSIONER MARK CULBER, <i>et al.</i> ,)	
)	
Defendants.)	
)	

OPINION and ORDER

This case is before the court on the Recommendation of the Magistrate Judge (Doc. 4), and Plaintiff's Objection thereto. Doc. 5. Upon consideration of the Recommendation, the Objection to the Recommendation, and upon an independent review of the file, the court finds the Objection to be without merit and due to be overruled.

Plaintiff is an inmate incarcerated at the Houston County Jail in Dothan, Alabama. He brings this 42 U.S.C. § 1983 action complaining that inmates are provided with insufficient hygiene items which amounts to a scheme to extort money from inmates who must then purchase additional hygiene products. In his Recommendation, the Magistrate Judge recommended Plaintiff's complaint be dismissed as malicious under 28 U.S.C. § 1915(e)(2)(B)(i) as it is repetitive of another complaint Plaintiff has filed with the court. Doc. 4. In his objection, Plaintiff argues that if the complaint is repetitive it is because: (1) he has mental health issues; (2) his medication was recently changed and he finds himself being repetitive; and (3) his claims are ongoing. Doc. 5.

After a thorough review of the records of this court, this court agrees with the Recommendation of the Magistrate Judge that Plaintiff's complaint is duplicative as it repeats claims presented by him in a prior action filed with this court which remains pending. Plaintiff's complaint is, thus, subject to dismissal as malicious under 28 U.S.C. § 1915(e)(2)(B)(i).

Accordingly, it is hereby ORDERED as follows:

1. The Objection (Doc. 5) is OVERRULED.
2. The Recommendation of the Magistrate Judge (Doc. 4) is ADOPTED.
3. The complaint is DISMISSED with prejudice prior to service of process under 28 U.S.C. § 1915(e)(2)(B)(i).

A Final Judgment will be entered.

Done, this 18th day of March 2019.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE